IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12891 of 2005

Between:

Moniru Zaman, S/o. Nashiruddin Ahmed,
R/o. CISF Unit, BHEL, Hyderabad.

..... PETITIONER

AND

1 The Commandant, Central Industrial Security Force, CISF Unit, BHEL (R), Hyderabad - 32.
2 The Director General, CISF Hqr, Block No.13, CGO's Complex, Lodhi Road, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, declaring movement order dt. 14-06-2005 transferring the petitioner from CISF Unit, BHEL, Hyderabad, to C.I.S.F.Unit, ONGC Nazira, Assam State as illegal, arbitrary, unconstitutional and without authority of law.

Counsel for the Petitioner: MR.P.S.P.SURESH KUMAR

Counsel for the Respondents: Mr.I. Kotireddy, Standing Counsel for Central Government

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the Movement Order, dated 14.6.2005 transferring the petitioner from C.I.S.F. Unit, B.H.E.L., Hyderabad to C.I.S.F. Unit, O.N.G.C. Nazira, Assam as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned standing counsel for Central Government and perused the material on record.

The only contention raised by the learned counsel for the petitioner is that since the place to which the petitioner was transferred is far away from the Court where a criminal case against him is pending, it is difficult for him to attend the Court by travelling more than 5000 kms. It is also contended that the petitioner was made to attend the Court of Judicial Magistrate of First Class, Sangareddy on four occasions i.e. 14.3.2005, 2.5.2005, 16.5.2005 and 22.6.2005 and even the charge sheet has not been filed.

The presence of the petitioner before the charge sheet is filed may not be necessary in the Criminal Court. Even after filing of the charge sheet, he can make use of the provisions under the Code of Criminal Procedure for his absence in view of the fact that he was transferred. Since the transfer order is not under challenge, the writ petition is devoid of merit.

The writ petition is accordingly dismissed. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

17th June, 2005

bcj

To

1 The Commandant, Central Industrial Security Force, CISF Unit, BHEL (R), Hyderabad - 32.
2 The Director General, CISF Hqr, Block No.13, CGO's Complex, Lodhi Road, New Delhi.

3 Two C.D. copies.